

Notice of Allowability	Application No.	Applicant(s)	
	09/945,255	FUNASAKO ET AL.	
	Examiner	Art Unit	
	Cheryl Juska	1771	

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the Amendment filed 11/22/04.
2. The allowed claim(s) is/are 6-10.
3. The drawings filed on 31 August 2001 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Cheryl Juska
Primary Examiner
Art Unit: 1771

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Louis DelJuidice on February 3, 2005.
3. The application has been amended as follows:
 - A. In claim 6, line 6, after 'filaments' insert therein **–and a binding resin mixed and distributed therein and partially on the surface thereof--.**
 - B. In claim 6, line 7, please delete "**a binding resin applied to each of said filaments of said wefts,**".
 - C. In claim 9, line 6, after 'filaments' insert therein **–and a binding resin mixed and distributed therein and partially on the surface thereof--.**
 - D. In claim 9, line 7, please delete "**a binding resin applied to each of said filaments of said wefts,**".
 - E. In claim 10, line 6, after 'filaments' insert therein **–and a binding resin mixed and distributed therein and partially on the surface thereof--.**
 - F. In claim 10, line 7, please delete "**a binding resin applied to each of said filaments of said wefts,**".

Response to Amendment

1. Applicant's amendment filed November 22, 2004, has been entered. Claims 6, 9, and 10 have been amended as requested. The pending claims are 6-10.
2. Said amendment is insufficient to overcome the rejection of claims 6-10 based upon the Port reference (US 4,123,577). Specifically, said amendment limits the binding resin to being applied to each multifilament weft yarn. Since the binding resin of Port is applied to the surface of the woven fabric via a web of melted thermoplastic fibers, said resin is at least partially present on each multifilament weft yarn. However, with the above Examiner's Amendment, the location of the binder resin is clarified (i.e., mixed and distributed within and partially on the surface thereof), thereby distinguishing the present invention from the Port teachings. [Note support for the new claim language is found in the specification at page 13, lines 14-21.] Additionally, one would not be properly motivated to modify the Port invention in the manner claimed by applicant since said modification would destroy the intent of Port (i.e., two fiber types on surface wherein the low melt fiber aids in binding the second dyeable cover fiber to the surface). Thus, the rejections of claims 6-10 as being obvious over the cited Port reference are hereby withdrawn.
3. An updated search of the prior art has produced no new art for which to base a rejection upon. However, the art made of record and not relied upon is considered pertinent to applicant's disclosure.
4. Therefore, claims 6-10 are allowed.

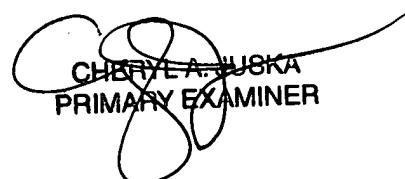
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Conclusion

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Juska whose telephone number is 571-272-1477. The examiner can normally be reached on Monday-Friday 10am-6pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached at 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CHERYL A. JUSKA
PRIMARY EXAMINER

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February 3, 2005